

**In the Claims:**

This listing will replace all prior versions and listing of claims in the subject application.

1. (Currently Amended) A biodegradable nonwoven web having a permeability within the range of about 500 to about 1500  $\mu\text{m}^2$  and a void volume that is greater than about 25  $\text{cm}^3/\text{gram}$ , wherein the web comprises

a. a first biodegradable binder fiber that does not undergo severe heat shrinkage and

b. a second biodegradable thermoplastic fiber having a melting temperature at least about 20°C. higher than the melting temperature of the first biodegradable binder fiber. and wherein the biodegradable nonwoven web is thermally bonded at a temperature within about 20° C above the melting temperature of the first biodegradable binder fiber, using only convective heating to thoroughly bind the web and to achieve the permeability and void volume.

2. (Previously Presented) The nonwoven web of claim 1, wherein the first biodegradable binder fiber is a multicomponent fiber comprising a surface component and a non-surface component.

3. (Previously Presented) The nonwoven web of claim 2, wherein the surface component has a melting temperature at least about 10°C less than the melting temperature of the non-surface component.

4. (Previously Presented) The nonwoven web of claim 3, wherein the second thermoplastic fiber has a melting temperature at least about 20°C. higher than the melting temperature of the surface component of the multicomponent fiber.

5. (Previously Presented) The nonwoven web of claim 3, wherein the surface component comprises L,D-polylactide (LD-PLA), or a polylactide-caprolactone copolymer.

6. (Previously Presented) The nonwoven web of claim 3, wherein the surface component comprises L,D-polylactide (LD-PLA), the non-surface component comprises polylactide, and the surface component has a lower L:D ratio than the non-surface component.
7. (Previously Presented) The nonwoven web of claim 2, wherein the multicomponent fiber is a bicomponent sheath/core fiber.
8. (Previously Presented) The nonwoven web of claim 7, wherein the sheath is 95:5 L:D polylactide, or a polylactide-caprolactone copolymer, and the core is 100% L-polylactide.
9. (Previously Presented) The nonwoven web of claim 1, wherein the first fiber exhibits an amount of shrinkage, at a temperature of about 70° C., that is less than about 10 percent.
10. (Previously Presented) The nonwoven web of claim 1, wherein the second fiber is selected from the group consisting of lower alkyl cellulose esters, starch, polyvinyl alcohol (PVA), chitosan, and PHBV (copolymer of polybetahydroxy butyrate and betahydroxyvalerate).
11. (Previously Presented) The nonwoven web of claim 10, wherein the lower alkyl cellulose ester is cellulose acetate.
12. (Previously Presented) The nonwoven web of claim 1, further having a contact angle less than 80 degrees, and wherein the contact angle is due to intrinsic properties of the fibers.
13. (Previously Presented) The nonwoven web of claim 1, comprising from about 40% to 95% of the first fiber, and from about 60% to 5% of the second fiber.

14. (Previously Presented) The nonwoven web of claim 1, wherein the web is produced by a bonded carded web process using through-air bonding.
15. (Previously Presented) An absorbent article comprising a surge layer made from the nonwoven web of claim 1.
16. (Withdrawn) The absorbent article of claim 15, comprising a liquid-permeable topsheet, a backsheet attached to the liquid-permeable topsheet, an absorbent structure positioned between the liquid-permeable topsheet and the backsheet, and wherein the surge layer is positioned between the topsheet and the absorbent structure.
17. (Previously Presented) The nonwoven web of claim 1, wherein the nonwoven web is thermally bonded at a temperature within about 10°C above the melting temperature of the first biodegradable binder fiber.
18. (Previously Presented) The nonwoven web of claim 1, wherein the nonwoven web is thermally bonded at a temperature within about 5°C above the melting temperature of the first biodegradable binder fiber.
19. (Previously Presented) The nonwoven web of claim 1, wherein the second biodegradable thermoplastic fiber does not melt.
20. (Previously Presented) The nonwoven web of claim 2 wherein the nonwoven web is thermally bonded at a temperature 10° to 15° C above the melting temperature of the surface component of the first biodegradable binder fiber.
21. (Previously Presented) The nonwoven web of claim 2 wherein the nonwoven web is thermally bonded at a temperature 5° to 10° C above the melting temperature of the surface component of the first biodegradable binder fiber.

22. (Previously Presented) The nonwoven web of claim 2 wherein the nonwoven web is thermally bonded at a temperature 2° to 5° C above the melting temperature of the surface component of the first biodegradable binder fiber.

23. (Canceled)

24. (Previously Presented) The nonwoven web of claim 1, wherein the first biodegradable binder fiber and the second biodegradable thermoplastic fiber, each have a fiber length of at least about 25 millimeters.

25. (Previously Presented) The nonwoven web of claim 1, wherein the first biodegradable binder fiber and the second biodegradable thermoplastic fiber, each have a fiber length of about 25 to 50 millimeters.

26. (Previously Presented) The nonwoven web of claim 2, wherein the nonwoven web is thermally bonded using a bonded carded web process.

27. (Currently Amended) A biodegradable nonwoven web having a permeability within the range of about 500 to about 1500  $\mu\text{m}^2$  and a void volume that is greater than about 25  $\text{cm}^3/\text{gram}$ , wherein the web comprises a first biodegradable binder fiber that does not undergo severe heat shrinkage and a second biodegradable thermoplastic fiber having a melting temperature at least about 20°C. higher than the melting temperature of the first biodegradable binder fiber; and

wherein the biodegradable nonwoven web is thermally bonded at a temperature within about 5°C below the melting temperature of the first biodegradable fiber, using only convective heating to thoroughly bind the web and to achieve the permeability and the void volume.

28. (Previously Presented) The nonwoven web of claim 27, wherein the first biodegradable binder fiber is a multicomponent fiber comprising a surface component and a non-surface component.

29. (Previously Presented) The nonwoven web of claim 28, wherein the nonwoven web is thermally bonded at a temperature 2 to 5 °C below the melting temperature of the surface component of the first biodegradable binder fiber.

## REMARKS

Applicants note that the previous Response obviated the prior rejection in view of US 5,976,694.

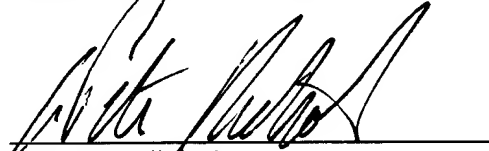
The pending claims are rejected as being obvious in view of US 5,698,322 to Tasi and EP 801 172 to Takeda and either HTT or TBNF. Applicants respectfully traverse. Claims 1 and 27 have been amended to specifically recite the difference in melting temperatures between the first biodegradable binder fiber and the second biodegradable thermoplastic fiber. The amendment is supported by the specification (see published application paragraph 42). The amendment was not previously presented because it was believed that the previous amendments and remarks put the claims in condition to be allowed.

The presently proposed amendment should be entered because it puts the claims in condition to be allowed and does not require any additional searching. As noted above, the present claims require a specific difference between the melting temperatures of the first biodegradable binder fiber and the second biodegradable thermoplastic fiber. This difference is important to achieve the claimed permeability and void volume upon thermally bonding. In contrast, the Examiner's proposed combination does not teach or suggest such a temperature difference. Without any such recognition or suggestion, the presently claimed web cannot be considered to have been obvious.

Applicants respectfully request withdrawal of the rejection and allowance of the claims.

Applicants believe the present claims are allowable and respectfully request allowance of the application. The Examiner is invited to contact the undersigned attorney at (312) 321-4276 to resolve any outstanding issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Peter Nichols', is written over a horizontal line.

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